



**KEVIN SHELLEY**  
**Secretary of State**  
**State of California**

**NOTARY PUBLIC**  
**DISCIPLINARY GUIDELINES**  
**2001**

This document is produced by the Secretary of State of the State of California. Additional copies are available at a cost of \$4.00 per copy, payable to the Secretary of State. To order, please write to:

Secretary of State  
Notary Public Section  
Attention: Publications  
1500 11<sup>th</sup> Street  
Sacramento, California 95814

Copyright © 2001 Secretary of State of the State of California  
ALL RIGHTS RESERVED. No part of this publication may be reproduced in any form without written permission from the Secretary of State of the State of California.

**SECRETARY OF STATE  
FINAL TEXT OF REGULATIONS**

**Section 20802 of Chapter 8 of Division 7 of Title 2 of the California Code of Regulations to read:**

Chapter 8. Notary Public

§ 20802. Disciplinary Guidelines

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Secretary of State shall consider the disciplinary guidelines entitled “Notary Public Disciplinary Guidelines 2001” which are hereby incorporated by reference. Deviation from the “Notary Public Disciplinary Guidelines 2001” and orders is appropriate where the Secretary of State in his or her sole discretion determines that the facts of the particular case warrant such deviation (e.g., nature and severity of the act, the presence of mitigating factors or evidentiary problems).

(b) The publication entitled “Notary Public Disciplinary Guidelines 2001” is available on the internet at [www.ss.ca.gov](http://www.ss.ca.gov) or contact the Secretary of State, Notary Public Section, Attention: Publications, 1500 11<sup>th</sup> Street, Sacramento, California 95814.

Note: Authority: Sections 8220 and 11400.20, Government Code.

Reference: Sections 11400.20 and 11425(e), Government Code.

**SECRETARY OF STATE  
NOTARY PUBLIC DISCIPLINARY GUIDELINES**

---

**TABLE OF CONTENTS**

INTRODUCTION.....	1
DESCRIPTION OF PENALTIES.....	3
FACTORS CONSIDERED.....	6
VIOLATIONS AND RECOMMENDED ACTIONS.....	7
DISCUSSION OF CONFIDENTIAL MARRIAGES.....	26
DISCUSSION OF ADVERTISING VIOLATIONS.....	27
FACTORS AND EVIDENCE IN MITIGATION.....	30
FACTORS AND EVIDENCE IN AGGRAVATION.....	31
STIPULATED SETTLEMENTS.....	32
RECOMMENDED LANGUAGE FOR PROPOSED DECISIONS.....	33
PETITION FOR RECONSIDERATION.....	34
DEFAULTS AND UNCONTESTED CASES.....	35
REINSTATEMENT OR REDUCTION OF PENALTY.....	36
INDEX OF CODE SECTIONS.....	39

## INTRODUCTION

---

The Secretary of State is charged with the responsibility of appointing and commissioning notaries public in the State of California. In the performance of such duties, the Secretary of State strives to ensure that applicants and commissioned notaries public possess the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position. Character is germane to the qualifications of the office of a notary public, given the nature of the duties and responsibilities. Government, business, and the public depend on the integrity of notaries public to take the required steps in authenticating signatures and properly completing transactions. The issue of good character is the foundation of all notarial acts.

Section [8201.1](#) of the Government Code requires the Secretary of State to determine whether an applicant possesses the requisite qualities prior to granting an appointment and commission as a notary public. Information provided on an application, such as outstanding bench warrants and arrest warrants, may prevent the Secretary of State from making the determination required by statute. In such cases, the Secretary of State may hold the application and request additional information from the applicant to resolve any questions or deny the applicant's application.

To ensure the integrity of notaries public, the Secretary of State may refuse to appoint any person as a notary public or may revoke or suspend the commission of any notary public for failure to meet the minimum qualification standards or violation of notary public law. In addition to appointing and commissioning notaries public, the Notary Public Section of the Secretary of State receives complaints, investigates alleged violations of notary public law, and conducts administrative hearings. The authority of the Secretary of State to institute disciplinary action is provided for in Title 2 of Division 1 of Chapter 3 of the Government Code (commencing with Section 8200). Furthermore, the Secretary of State may adopt rules and regulations to enforce applicable laws pursuant to Section [8220](#) of the Government Code.

The disciplinary guidelines contained herein are intended to facilitate due process and uniformity in reviewing applications, investigating alleged violations, and instituting administrative actions. The disciplinary guidelines are designed to assist administrative law judges, attorneys, notaries public, notary public applicants, and others involved in the disciplinary process. The Secretary of State anticipates periodic revision of the disciplinary guidelines, providing accurate and complete information regarding the disciplinary process of the agency.

In reviewing an application or investigating an alleged violation of notary public law, the Secretary of State shall consider the totality of the offense, facts, and circumstances in each individual case. Some cases may require departure from the disciplinary guidelines. If individual circumstances exist which justify omissions or deviations from these disciplinary guidelines, the Secretary of State requests that the administrative law judge hearing the case

clearly delineate the factual basis for his or her proposed decision. This will assist the Secretary of State in evaluating proposed decisions and issuing decisions that accurately reflect the facts of each specific disciplinary matter.

The Secretary of State requests that administrative law judges impose civil penalties for certain violations of notary public law in accordance with Section [8214.15](#) of the Government Code. A civil penalty may be imposed in conjunction with a revocation or suspension of a commission or as the sole disciplinary sanction taken against a notary public. The civil penalties may be used to defray the costs associated with the investigation and administrative action.

To protect the public and deter willful or grossly negligent violations of notary public law, the Secretary of State may publish all disciplinary actions upon the decisions becoming effective and a matter of public record.

- - - - -

## DESCRIPTION OF PENALTIES

---

### **DENIAL**

This action denies an application for an appointment and commission as a notary public. In notifying the applicant of the denial, the Secretary of State shall specify the reasons therefor. The applicant shall be afforded the opportunity to appeal the decision of the Secretary of State and request an administrative hearing.

In cases where an applicant had a violation during a previous commission, the Secretary of State may deny an appointment and commission as a notary public.

In some cases where circumstances are egregious and warrant such a penalty, the Secretary of State shall *permanently* deny an appointment and commission as a notary public. Subsequent applications shall be returned to the sender due to the fact that the person does not meet the minimum qualification standards for a notary public applicant.

### **REVOCATION**

This action revokes a commission as a notary public and prohibits respondent from performing the duties and responsibilities of a notary public, including acts that require a commission as a notary public.

Respondent shall have thirty (30) calendar days from the date of the revocation to deliver all notary public records and papers, including the notary public journal, to the clerk of the county in which the current oath of office as a notary public is on file, pursuant to subdivision (a) of Section 8209 of the Government Code. If respondent willfully fails or refuses to deliver all notary public records and papers to the county clerk within that time, respondent is guilty of a misdemeanor and shall be personally liable for damages to any person injured by the action or inaction.

In some cases where circumstances are egregious and warrant such a penalty, the Secretary of State shall *permanently revoke* an appointment and commission as a notary public. Subsequent applications shall be returned to the sender due to the fact that the person does not meet the minimum qualification standards for a notary public applicant.

## **SUSPENSION**

Imposition of a suspension is intended to protect the public from continued illegal behavior and facilitate the rehabilitation of respondent, including correction of deficiencies in skills, education or personal rehabilitation. This action, which may be taken in conjunction with a stayed revocation, prohibits respondent from engaging in or performing the duties and responsibilities of a notary public, including acts that require a commission as a notary public, for a specified period of time. Furthermore, respondent shall be ordered to notify clients of the suspension.

To ensure compliance with the suspension, approximately thirty (30) calendar days after the conclusion of the suspension, the Secretary of State shall send a written request by certified mail to respondent for certified copies of the notary public journal. The requested journal entries shall include, but not limited to, the period of time including thirty (30) calendar days prior to the suspension, the duration of the suspension, and thirty (30) calendar days following the conclusion of the suspension. Pursuant to subdivision (b) of Section 8205 of the Government Code, respondent shall have thirty (30) calendar days from the date of receiving the request to provide the certified copies.

## **CIVIL PENALTY**

In addition to any commissioning or disciplinary sanctions taken against a commission as a notary public, civil penalties may also be imposed for violations specified in Section 8214.15 of the Government Code. A violation of subdivision (f), (i), (l), (m), or (p) of Section 8214.1 or a willful violation of subdivision (d) of Section 8214.1 is punishable by a civil penalty not to exceed one thousand five hundred dollars (\$1,500). A violation of subdivision (h), (j) or (k) of subdivision 8214.1 or a negligent violation of subdivision (d) of Section 8214.1 is punishable by a civil penalty not to exceed seven hundred fifty dollars (\$750).

Any civil penalties collected may be used to defray the costs of the Secretary of State associated with investigating and pursuing disciplinary sanctions for violations of notary public law pursuant to subdivision (d) of Section 8214.15 of the Government Code.

## **PUBLIC NOTICE**

Any disciplinary sanction or civil penalty imposed as a result of a decision may be published by the Secretary of State in a newsletter or other publication. Additionally, the Secretary of State may issue press releases or other public notices of disciplinary action taken by the Secretary of State.



**IMPORTANT NOTE**

Probation and restriction of a commission as a notary public are not available to the Secretary of State as disciplinary sanctions for violations of notary public law.

- - - - -

## **FACTORS CONSIDERED**

---

In determining whether to deny, revoke or suspend a commission as a notary public, the Secretary of State shall consider a variety of factors, including, but not limited to, the following:

- (1) Nature and severity of the act, offense or crime under consideration.
- (2) Number and/or variety of current violations.
- (3) Evidence pertaining to the requisite honesty, credibility, truthfulness, and integrity of the applicant or commissioned notary public.
- (4) Actual or potential harm to the general public, group, individual or client.
- (5) History of complaints received by the Secretary of State.
- (6) Prior disciplinary record or warning from the Secretary of State.
- (7) Circumstances or evidence in mitigation. (See page 30.)
- (8) Circumstances or evidence in aggravation. (See page 31.)
- (9) Prior disciplinary record of occupational, vocational or professional license.
- (10) Evidence of rehabilitation.
- (11) Bench warrants or arrest warrants that prevent the Secretary of State from determining whether an applicant or commissioned notary public possesses the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the office pursuant to Section [8201.1](#) of the Government Code. In such cases the Secretary of State may hold the application and request additional information from the applicant or deny the application.
- (12) Criminal record.
- (13) In the case of a criminal conviction, the time in which the offense occurred in relation to the act, offense or crime under consideration.
- (14) Reports generated by law enforcement agencies.

- - - - -

## VIOLATIONS AND RECOMMENDED ACTIONS

---

The Secretary of State maintains and enforces minimum qualification standards to protect the public and ensure that notaries public thoroughly understand and abide by the applicable laws in the performance of their duties and responsibilities. The disciplinary guidelines distinguish between unscrupulous applicants and notaries public, those who act negligently or lack a clear understanding of the applicable laws. Statements of issue and accusations are filed only in cases the Secretary of State deems serious and warrant disciplinary sanctions. The emphasis is on disciplining notaries public that demonstrate incompetence, abuse, negligent, or willful misconduct.

Section [8214.1](#) of the Government Code specifies the grounds for which the Secretary of State may deny an application for a commission or revoke or suspend the commission of a notary public. Subdivision (a) of Section [8219.5](#) specifically relates to advertising in a language other than English and the requisite notice to be posted. The disciplinary guidelines below identify the sanctions the Secretary of State shall impose for the violations of notary public law.

All persons with felony convictions are disqualified from notary public commissioning. All persons with disqualifying convictions currently incarcerated or on active criminal probation, or who have been discharged from probation for less than ten years, are disqualified from notary public commissioning.

The recipient of a second Secretary of State disciplinary action will be permanently denied or revoked.

Each individual case shall be reviewed in detail. Deviations from the disciplinary guidelines are appropriate when supported by the facts. In such cases, the Secretary of State requests that the administrative law judge clearly delineate the factual basis for deviating from the disciplinary guidelines.

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(a) Substantial and Material Misstatement or Omission in an Application for a Commission as a Notary Public**

Applications for commission as a notary public are signed under penalty of perjury. Applicants certify that all statements are true and complete. The information contained in the application is used by the Secretary of State to determine the identity of the applicant and whether the applicant possesses the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position. Therefore, complete and accurate disclosure of the requested information is essential for the Secretary of State to evaluate applicants and appoint and commission notaries public in the State of California.

#### **DISCIPLINARY ACTION**

##### **APPLICANT**

**ANY VIOLATION:** Denial of the application.

##### **COMMISSIONED NOTARY PUBLIC**

**ANY VIOLATION:** Revocation of the commission.

Example 1: False or misleading information regarding, but not limited to:

- Date of birth
- Social security number
- Driver's license or identification card
- Citizenship or alien registration

Example 2: False, misleading or omitted information about any felony or misdemeanor arrest(s) or conviction(s) of any crime, including but not limited to:

- Driving under the influence (DUI)
- Theft or petty theft
- Trespassing
- Forgery
- Prostitution

**NOTE:** **ALL CONVICTIONS MUST BE DISCLOSED, REGARDLESS OF WHEN OR WHERE THEY OCCURRED.** The only exceptions are traffic infractions, any offense which was finally adjudicated in a juvenile court or under a youthful offender law, and any incident that has been sealed under Welfare and Institutions Code Section 781 or Penal Code Section 1203.45 (**JUVENILE OFFENSES**).

Example 3: False, misleading or omitted information about prior court ordered judgments, including, but not limited to:

- Small claims judgments
- Civil actions

Example 4: False, misleading or omitted information about prior administrative action(s), as a commissioned notary public or other licensed professional, including, but not limited to:

- Notary public, administrative and/or criminal actions
- Real estate, administrative and/or criminal actions
- Attorney, administrative and/or criminal actions
- Medical doctor, administrative and/or criminal actions
- Insurance, administrative and/or criminal actions
- Contractor, administrative and/or criminal actions

Example 5: False, misleading or omitted information about use the of another name, including, but not limited to:

- All aliases
- Maiden name(s)
- Court sanctioned name change

**NOTE:** After a lapse of one year from the effective date in which the Secretary of State issued the decision to deny an appointment and commission, or revoke a commission as a notary public, for violation of subdivision (a) of Section 8214.1 of the Government Code, the Secretary of State may reconsider an applicant upon receiving a new application.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(b) Conviction, including Plea of Nolo Contendere, of a Felony, Lesser Offense Involving Moral Turpitude or Lesser Offense Incompatible with the Duties of a Notary Public**

A felony conviction permanently disqualifies an applicant or a commissioned notary public from appointment as a notary public.

A misdemeanor conviction involving moral turpitude or incompatible with the duties of a notary public disqualifies an applicant for a notary public commission or a commissioned notary public from continuing to hold appointment unless the following conditions are satisfied:

- (1) Lapse of a period of not less than ten (10) years from the date of satisfactory completion of probation and;
- (2) Finding by the Secretary of State that the applicant or commissioned notary public has the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position.

**Convictions of other offenses involving moral turpitude or lesser offenses incompatible with the duties of a notary public include, but are not limited to, the following:**

- Accessory
- Arson-related offenses
- Assault
- Auto theft
- Battery
- Burglary
- Carrying a concealed weapon
- Carrying a loaded firearm in a public place
- Child molestation
- Child pornography
- Conspiracy
- Discharge of a firearm in a public place or into an inhabited dwelling
- Drugs, possession for sale and sale
- Embezzlement
- Escape without force
- Failure to comply with a court order
- Failure to pay child support
- Failure to return to confinement
- False financial statements
- False imprisonment
- Forgery

- Fraud involving, but not limited to, bank cards, credit cards, insufficient funds/checks, insurance, mail, Medi-Cal or Medicare, real estate, tax, and welfare
- Fraudulent impersonation of a peace officer
- Hit and run
- Kidnapping-related offenses
- Manslaughter
- Pimping and pandering
- Possession of an unregistered firearm
- Practicing without a license when a license is required
- Prostitution
- Rape
- Receipt of stolen property
- Resisting or threatening a peace officer
- Robbery
- Solicitation
- Statutory rape
- Tax evasion
- Terrorist threats
- Theft, grand and petty, including burglary and robbery
- Threats to commit a crime involving death or great bodily injury
- Violation of [Penal Code Sec. 273.5](#) (domestic violence, spousal abuse, etc.)

## **DISCIPLINARY ACTION**

### **APPLICANT**

**CONVICTIONS OF A LESSER OFFENSE:** Denial of the application, unless ten (10) years have elapsed from the date of satisfactory completion of probation and the Secretary of State has determined the applicant has the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position.

**FELONY CONVICTIONS:** Permanent denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**CONVICTIONS OF A LESSER OFFENSE:** Revocation of the commission, unless ten (10) years have elapsed from the date of satisfactory completion of probation and the Secretary of State has determined the applicant has the requisite honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position.

**FELONY CONVICTIONS:** Permanent revocation of the commission.

-----

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(c) Revocation, Suspension, Restriction or Denial of a Professional License**

The Secretary of State shall review and institute administrative actions in cases where an applicant or commissioned notary public was granted a professional license that was revoked, suspended, restricted, or an application therefor was denied *for misconduct, dishonesty, or any cause that is substantially related to the duties or responsibilities of a notary public*. "Professional license" shall include any professional, occupational or vocational license issued by a governmental entity.

### **DISCIPLINARY ACTION**

#### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

#### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission.

**NOTE:** If an applicant has an active license, not including a restricted license, the Secretary of State shall approve the application.

If the professional license was denied, revoked, restricted or suspended, the notary public application will be denied or the commission revoked. The factors and evidence on page 30 shall be considered when reviewing an application and a license is not active.

Example 1: Applicable professional licenses held by a notary public applicant or commissioned notary public include, but are not limited to:

- Real estate
- Attorney
- Insurance
- Medical doctor
- Contractor

- - - - -



## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(d) Failure to Fully and Faithfully Discharge Any of the Duties or Responsibilities of a Notary Public**

Notaries public are charged with a variety of duties and responsibilities relating, but not limited, to performing notarial acts, maintaining and securing a notary public journal and seal, and notifying the Secretary of State of address and name changes. Notarial duties, responsibilities and acts that are not properly performed compromise the integrity of notarized documents and jeopardize the interests of the clients of the notary public.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**WILLFUL:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NEGLIGENT:** Revocation of the commission and a maximum civil penalty of seven hundred fifty dollars (\$750); or

Suspension of the commission for a minimum of six months and a maximum civil penalty of seven hundred fifty dollars (\$750).

Examples:

- Failure to verify identification
- Failure to require personal appearance
- Unauthorized use of seal
- Failure to maintain and secure journal
- Failure to complete journal line items at the time of the notarial act
- Notarization of incomplete documents
- Failure to notify Secretary of State of any address changes
- Failure to respond to a written request from the Secretary of State
- Loss of the right to authorize confidential marriages

**NOTE:** See Discussion of Confidential Marriages on page 26.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(e) Adjudged Liable for Damages in Any Suit Grounded in Fraud, Misrepresentation or Violation of State Regulatory Laws or Failure to Discharge Fully and Faithfully the Duties of a Notary Public**

A notary public applicant or commissioned notary public adjudged liable for damages in a case involving fraud, misrepresentation, violation of state regulatory laws or failure to fully and faithfully discharge the duties of the office is in direct conflict with the most fundamental requirements of the office of a notary public.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission.

Example 1: A judgment entered against a notary public in a civil action in which the notary public performed a fraudulent notarial act, such as executing an acknowledgment without requiring the signer to appear before him/her.

Example 2: A judgment entered against a notary public in which the notary public was liable for damages in a suit which was grounded in fraud and breach of fiduciary duty and the failure of the notary public to properly discharge his or her duties. Fraudulent activities may include, but are not limited to, altering escrow documents, passing the costs on to the escrow company's clients, charging clients for notary public services that were not provided, charging notary public fees which exceeded statutory limits, and forging clients' signature.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(f) Use of False or Misleading Advertising**

A commissioned notary public is prohibited from using false or misleading advertising wherein the commissioned notary public represents that he or she has duties, rights or privileges that he or she does not possess by law.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

### **COMMISSIONED NOTARY PUBLIC**

**WILLFUL:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NEGLIGENT:** Suspension of the commission for a minimum of one year and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NOTE:** Within thirty (30) calendar days of the conclusion of the suspension, respondent shall submit to the Secretary of State samples of all current business cards, letterhead, advertisements (newspaper, magazine and fliers) and current photographs of all business signs.

Example 1: Notary public whose commission has been suspended, advertises notary services while on suspension.

Example 2: Notary public advertises services as a real estate agent when not licensed as a real estate agent.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(g) Practice of Law in Violation of Section 6125 of the Business and Professions Code**

Section 6125 of the Business and Professions Code states that “no person shall practice law in California unless the person is an active member of the [California] State Bar.”

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(h) Charging more than the Prescribed Fees**

Sections 8211 and 8223 of the Government Code provide the maximum fees that may be charged by a commissioned notary public.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

### **COMMISSIONED NOTARY PUBLIC**

**WILLFUL:** Revocation of the commission and a maximum civil penalty of seven hundred fifty dollars (\$750).

**NEGLIGENT:** Suspension of the commission for a minimum of six months and a maximum civil penalty of seven hundred fifty dollars (\$750).

**NOTE:** Within thirty (30) calendar days of the conclusion of the suspension, respondent shall submit a signed statement identifying all fees charged for services relating to the duties and responsibilities of a notary public.

**Example 1:** A notary public noted a total of forty dollars (\$40) for a notarization, ten dollars (\$10) for the acknowledgment and thirty dollars (\$30) for the travel fee. However, the notary public did not travel.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(i) Act Involving Dishonesty, Fraud, or Deceit with the Intent to Substantially Benefit the Notary Public or Another, or Substantially Injure Another**

Committing an act involving dishonesty, fraud, or deceit with the *intent* to benefit the notary public or applicant or substantially injure another is in direct conflict with the most fundamental requirements of any individual appointed to the office of notary public or an applicant.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

Compromising the notary public examination in any manner shall be grounds to permanently deny the application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

Compromising the notary public examination in any manner shall be grounds for permanent revocation and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

Example 1: Embezzlement with the intent to benefit the applicant and/or notary public and defraud the employer, thereby committing a willful act involving dishonesty and deceit.

Example 2: Compromising the notary public examination by taking any exam material by any method from the exam site or cheating during the notary public exam.

Example 3: An individual embezzled funds from his employer. The employer did not want to file charges against the employee. An agreement is drawn up between the employer and the employee to pay back the funds and is signed by both parties.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(j) Failure to Complete the Acknowledgment at the Time the Signature and Seal are Affixed to the Document**

Pursuant to Section 8205 of the Government Code, a notary public shall fully complete an acknowledgment at the time the notary public signs the acknowledgment and affixes the notary public seal.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**WILLFUL:** Revocation of the commission and a maximum civil penalty of seven hundred fifty dollars (\$750).

**NEGLIGENT:** Suspension of the commission for a minimum of six months and a maximum civil penalty of seven hundred fifty dollars (\$750).

Example 1: Affixing a notary public seal and signature to an acknowledgment that is incomplete because the notary public did not complete the venue, the date, or the names of the person(s) appearing before the notary public. The acknowledgment may or may not be associated with the execution of a specific document.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(k) Failure to Administer the Oath or Affirmation**

Pursuant to paragraph (3) of subdivision (a) of Government Code Section 8205, a notary public shall, upon request, administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, officer, or board. The oath or affirmation shall be signed by the notary public and the notary public seal affixed at the time of the oath or affirmation.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

### **COMMISSIONED NOTARY PUBLIC**

**WILLFUL:** Revocation of the commission and a maximum civil penalty of seven hundred fifty dollars (\$750).

**NEGLIGENT:** Suspension of the commission for a minimum of six months and a maximum civil penalty of seven hundred fifty dollars (\$750).

Example 1: Notary public completed a jurat when the person signing the document did not appear before the notary public.

- - - - -



## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(I) Execution of any Certificate as a Notary Public Containing a Statement Known to the Notary Public to be False**

Execution of a certificate that the notary public knew contained a false statement, is a serious breach of honesty, credibility, truthfulness, and integrity, which are paramount to the office of a notary public. These characteristics are fundamental to the duties and responsibilities of a notary public and are depended upon by government, business, and the public.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

Example 1: The notary public backdates an acknowledgment.

Example 2: The notary public executes an acknowledgment for a person who did not personally appear.

Example 3: The notary public accepts a social security card as identification for an acknowledgment.

- - - - -

## VIOLATION OF GOVERNMENT CODE SECTION

### **8214.1(m) Violating Government Code Section 8223: Notary Public with Expertise in Immigration Matters; Prohibition against Advertising Status as Notary Public; Change in Immigration Status; Fees**

There are certain restrictions that notaries public must be aware of and fully understand when advertising to avoid misleading the public or misrepresenting the authority of notaries public. Notaries public with expertise in immigration matters or who provide immigration services shall not advertise in any manner that he or she is a notary public.

## DISCIPLINARY ACTION

### APPLICANT

**ALL VIOLATIONS:** Denial of the application.

### COMMISSIONED NOTARY PUBLIC

**WILLFUL:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NEGLIGENT:** Suspension of the commission for a minimum of six months and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NOTE:** Within thirty (30) calendar days of the conclusion of the suspension, respondent shall submit to the Secretary of State samples of all current business cards, letterhead, advertisements (newspaper, magazine and fliers) and current photographs of all business signs.

**Example 1:** A notary public who advertises both immigration and notary public services, not necessarily in the same advertisement.

**NOTE:** See also Discussion of Advertising Violations on page 27.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(n) Failure to Submit Any Remittance Payable Upon Demand to the Secretary of State or Failure to Satisfy Any Court Ordered Money Judgment, Including Restitution**

The Secretary of State shall consider the failure to submit any payment upon demand of a civil penalty for violation of notary public law or failure to satisfy any court ordered money judgment, including restitution, prior to appointing and commissioning a notary public and determining whether to institute administrative action against a notary public.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission.

Example 1: Failure to remit full payment by the date ordered for a civil penalty imposed by a decision in an administrative action.

- - - - -

## **VIOLATION OF GOVERNMENT CODE SECTION**

### **8214.1(o) Failure to secure sequential journal of official acts, pursuant to Government Code Section 8206, or the official seal, pursuant to Government Code Section 8207**

The sequential journal is the exclusive property of the notary public. The circumstances in which the notary public must relinquish the journal or permit inspection and copying of journal transactions and the procedures the notary public must follow are specified in subdivision (d) of Section 8206 of the Government Code.

The official seal is the exclusive property of the notary public. The notary public shall not relinquish the seal to any person.

## **DISCIPLINARY ACTION**

### **APPLICANT**

**ALL VIOLATIONS:** Denial of the application.

### **COMMISSIONED NOTARY PUBLIC**

**ALL VIOLATIONS:** Revocation of the commission.

Example 1: A notary public loans out his/her journal to another to obtain signatures.

Example 2: A notary public leaves his/her journal or stamp unattended in an area accessible to others.

- - - - -

## VIOLATION OF GOVERNMENT CODE SECTION

### 8214.1(p) Violation of Government Code Section 8219.5

Advertising in words other than in English may result in misrepresentation due to “literal translation” of a word or phrase from one language to another without regard to the true meaning of the word or phrase in the language which is being translated. The literal translation of the phrase “notary public” into Spanish, hereby defined as “*notario publico*” or “*notario*,” is prohibited. Such a literal translation often creates a false assumption that the notary public is an attorney and can charge appropriate fees in conjunction with professional legal services.

A notary public who is not an attorney shall not advertise the services of a notary public in a language other than English by signs or other means of written communication with the exception of a single desk plaque, unless the sign or other written communication is accompanied by a notice in English and in the other language that sets forth the following: (1) the statement that: “I am not an attorney and, therefore, cannot give legal advice about immigration or any other legal matters”; and (2) the fees set by statute which a notary public may charge. See Discussion of Advertising Violations on page 27.

## DISCIPLINARY ACTION

### APPLICANT

**ALL VIOLATIONS:** Denial of the application.

### COMMISSIONED NOTARY PUBLIC

**WILLFUL:** Revocation of the commission and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

**NEGLIGENT:** Suspension of the commission for a minimum of one (1) year and a maximum civil penalty of one thousand five hundred dollars (\$1,500).

Example 1: Violation of subdivision (a) of Section 8219.5, relating to advertising as a notary public in a language other than English without the requisite notice.

Example 2: Use the words “*notario publico*.”

**NOTE:** In the event that the notary public commission is suspended, within fifteen (15) calendar days of the conclusion of the suspension, the respondent shall submit to the Secretary of State samples of all current business cards, letterhead, advertisements (newspaper, magazine and fliers) and current photographs of all business signs.

- - - - -

## DISCUSSION OF CONFIDENTIAL MARRIAGES

---

The county clerk may issue confidential marriage licenses to a notary public pursuant to Family Code section [503](#). The license shall be valid for a period of ninety (90) days and may only be used in the county in which it was issued.

A notary public who is interested in authorizing confidential marriages may apply for approval to the county clerk in the county in which the notary public resides. A notary public *shall not* authorize a confidential marriage unless the county clerk having jurisdiction approves him or her. The county clerk offers a course of instruction that a notary public must complete before authorization will be granted. Additionally, in order for a notary public to perform the marriage, the notary public must be one of the persons authorized under Family Code Sections [400-402](#), e.g., priest, minister, or rabbi. The county clerk in the county where the notary public resides may or may not approve the authorizing of confidential marriages.

The form that a notary public completes when notarizing a confidential marriage license is a jurat. Execution of a jurat requires that the signer(s) personally appeared before the notary public, that the signer(s) signed the document in the presence of the notary public, and that the notary public administered the oath.

If the county clerk finds that the notary public has violated any of the provisions of Family Code section [500](#) et. seq. regarding confidential marriages, the county clerk may place the notary on probation or suspend or revoke his or her approval. If a notary violates any of the provisions of Government Code section [8214.1](#), the approval shall be revoked. In addition, the county clerk shall report the findings of any hearing to the Secretary of State for appropriate action.

- - - - -

## DISCUSSION OF ADVERTISING VIOLATIONS

---

A significant number of the investigations and disciplinary hearings conducted by the Secretary of State relate to advertising violations. There are certain restrictions that notaries public must be aware of and fully understand when advertising to avoid misleading the public or misrepresenting the authority of notaries public.

In many cases, a business owner, who is not a notary public, employs a notary public to provide such services. If the business owner provides immigration services and advertises both the immigration and notary public services, the owner may be putting the commission of the notary public at risk. The same applies if the business owner advertises the literal translation of “notary public” into Spanish or advertises notary public services in a language other than English without posting the required notice. These advertising violations may also prompt the Secretary of State to conduct an investigation of the notary public, which could result in the suspension or revocation of the commission and the loss of notary public services by the business.

Consider the following scenarios:

- (1) A notary public advertises on business cards and on fliers the services of petitions of immigration (*peticiones de inmigracion*) in conjunction with notarizations (*notarizaciones*).
- (2) A notary public advertises in a storefront window both immigration and notarization services.

Are these advertisements a violation of the law? Is the notary public, as an employee of the business, in violation of the law? The answer to both questions above is “yes.” One of the most common advertising violations involves a notary public that advertises immigration and notary public services. Section [8223](#) of the Government Code states in part:

No notary public who holds himself or herself out as being an immigration specialist, immigration consultant or any other title or description reflecting an expertise in immigration matters shall advertise *in any manner whatsoever* that he or she is a notary public. (Emphasis added.)

A notary public who advertises that he or she performs immigration services and also performs notarizations is in violation of Section [8223](#) of the Government Code and is subject to disciplinary action in accordance with subdivision (m) of Section 8214.1 of the Government Code. The Secretary of State may deny an appointment or suspend or revoke the commission of a notary public who advertises in this manner. In addition, a violation of subdivision (m) of Section 8214.1 of the Government Code is punishable by a civil penalty of up to one thousand five hundred dollars (\$1,500). [Government Code Section 8214.15(a).]

Words such as “*ciudadania*” (citizenship), “*inmigracion*,” (immigration) or “*serv. imigracion*” (immigration services) may be interpreted as having expertise in immigration matters. The intent of this section was to prevent a person who has an expertise in immigration matters from misrepresenting his or her authority, thereby misleading the public.

Another form of an advertising violation, though not as common, involves the literal translation of the phrase “notary public” into Spanish or the notary public who advertises the services of a notary public in a language other than English without posting the required notice:

Consider the following scenarios:

- (1) A notary public advertises his or her services with a sign, which states “Notario Publico.”
- (2) A notary public’s advertisement contains the word “*notarizaciones*,” which is the Spanish literal translation of “*notarizations*,” without posting the required notice.

Are these advertisements a violation of the law? Is the notary public, as an employee of the business, in violation of the law? Again, the answer to both questions above is “yes.” Government Code Section [8219.5](#) provides in part:

(a) Every notary public who is not an attorney who advertises the services of a notary public in a language other than English by signs or other means of written communication, with the exception of a single desk plaque, shall post with that advertisement a notice in English and in the other language which sets forth the following:

- (1) This statement: I am not an attorney and, therefore, cannot give legal advice about immigration or any other legal matters.
- (2) The fees set by statute which a notary public may charge.

. . . . .

(c) Literal translation of the phrase “notary public” into Spanish, hereby defined as “notario publico” or “notario,” is prohibited. For purposes of this subdivision, “literal translation” of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

. . . . .

In many countries outside the United States, an individual must be a duly licensed attorney before he or she may obtain a notary public commission. In Latin American countries, the phrase “*notario publico*” implies that the person is a practicing attorney in that country, which is not the law in the State of California. Under California law, a person may be appointed and commissioned as a notary public without being a licensed attorney.



Subdivision (c) of Section 8219.5 of the Government Code prohibits the literal translation of the phrase “notary public” into the Spanish language term “*notario publico*” because the term may mislead Spanish-speaking persons.

The Spanish language term “*notario publico*” often creates a false assumption that the notary public is a practicing attorney and can charge appropriate fees in conjunction with professional legal services.

Though “*notario publico*” is the literal Spanish phrase for “notary public,” there are other words or phrases which, when translated from one language to another, cause a misunderstanding of the level of authority exercised by notaries public in the State of California. If a notary public advertises his or her services using words or phrases in a language other than English, a notice must be posted with the advertisement in English and in the other language, as specified in subdivision (a) of Section 8219.5 of the Government Code cited above. A notary public who advertises words or phrases such as “*notarizaciones*,” “*notarizamos*,” “*notarizados*,” which are forms of the word “notarization,” “*servicio de notario*” (services of a notary) or any other word or phrase in a language other than English, must post the required notice with the advertisement.

A notary public who advertises the phrase “notary public” in Spanish or who advertises the services of a notary public in a language other than English without the required notice is subject to disciplinary action in accordance with subdivision (d) of Section 8214.1 of the Government Code. The Secretary of State may deny an appointment or suspend or revoke the commission of a notary public who advertises in this manner. In addition, a violation of subdivision (d) of Section 8214.1 is punishable by a civil penalty of up to one thousand five hundred dollars (\$1,500). [Government Code Section 8214.15(a).]

The law is specific regarding the disciplinary action of a notary public that fails to comply with subdivision (a) of Section 8219.5 of the Government Code in that his or her commission shall be suspended for a period of not less than one year or revoked. Pursuant to these disciplinary guidelines, the commission of the notary public shall be revoked permanently on the second offense.

- - - - -

## **FACTORS AND EVIDENCE IN MITIGATION**

---

In determining the proper penalty or action within the established disciplinary guidelines, the following factors and evidence, if presented, in mitigation of the offense, facts or circumstances should be considered:

- (1) Evidence that respondent accepted and complied with a suggested resolution of the Secretary of State, or other agency, to a consumer complaint.
- (2) Evidence of voluntary participation in a program relating to the applicable laws and regulations and the duties and responsibilities of a notary public.
- (3) Evidence of resolution of consumer complaints with a subsequent change in business practice.
- (4) Respondent fully cooperated with the investigation conducted by the Secretary of State, other law enforcement or regulatory agencies, and/or injured parties.
- (5) Evidence satisfactory to the Secretary of State of personal and professional rehabilitation.
- (6) Recognition by the respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.
- (7) Passage of considerable time since the violation(s) with no evidence or indication of recurrence or evidence or indication of any other misconduct.

- - - - -

## **FACTORS AND EVIDENCE IN AGGRAVATION**

---

In determining the proper penalty or action within the established disciplinary guidelines, the following factors and evidence, if presented, in aggravation of the offense, facts or circumstances should be considered:

- (1) Prior warnings or notices of violations from the Secretary of State.
- (2) Prior demonstration of incompetence.
- (3) Prior history of formal disciplinary action.
- (4) Failure to submit certified copies of notary public journal to the Secretary of State for inspection within thirty (30) calendar days of receiving a written request for such copies.
- (5) Evidence that the violation was knowingly committed and/or was premeditated.
- (6) Failure to cooperate with an investigation conducted by the Secretary of State.
- (7) Evidence the unlawful act was part of a pattern of practice.
- (8) Failure to comply with a request of the Secretary of State for corrective action.
- (9) Currently on a grant of probation by a court.
- (10) Failure to pay court judgment to victim.
- (11) Violation of previous court order.
- (12) Any other conduct that constitutes fraud or gross negligence.
- (13) If immigration services are provided, failure to file a bond or deposit in lieu of bond pursuant to Chapter 19.5 of Division 8 of the Business and Professions Code (commencing with Section [22440](#)).
- (14) Failure to abide by a decision and disciplinary sanctions, including payment of a civil penalty or failure to relinquish all notary public seals, imposed pursuant to an administrative action.
- (15) Failure to abide by the terms of a stipulated settlement.

## STIPULATED SETTLEMENTS

---

In instituting administrative actions, the Secretary of State shall consider stipulated settlements to promote cost effectiveness and expedite disciplinary decisions if the terms of such agreements achieve the disciplinary objectives of the Secretary of State. After receipt of a notice of defense, legal counsel representing the Secretary of State shall contact respondent, or legal counsel representing respondent, to inquire as to the interest in a stipulated settlement. The Secretary of State shall consider the facts of the case and factors and evidence in mitigation and aggravation in reviewing a stipulated settlement. Generally, an order in a stipulated decision involving the revocation or suspension of an appointment and commission shall require respondent to pay a civil penalty, if authorized by law.

If it is unlikely that the disciplinary objectives of the Secretary of State will be satisfied through a stipulated settlement, legal counsel representing the Secretary of State shall schedule an administrative hearing before an administrative law judge and proceed with the case.

- - - - -

## RECOMMENDED LANGUAGE FOR PROPOSED DECISIONS

---

The Secretary of State requests that a proposed decision issued by an administrative law judge include the following information:

- (1) The proposed decision should include any defense presented by respondent in the Findings of Fact.
- (2) The proposed decision should include findings regarding mitigation, aggravation, and rehabilitation where appropriate.
- (3) If a commission is revoked or suspended, the proposed decision should order sanctions that correspond to the recommended actions contained in these disciplinary guidelines, including civil penalties, unless the justification for the departure therefrom is clearly set forth in the findings and supported by the evidence.
- (4) If a civil penalty is imposed, the proposed decision should order respondent to remit payment of the civil penalty to the Secretary of State by a specific date.
- (5) If a commission is revoked, the proposed decision should order respondent to relinquish the notary public journal to the clerk of the county in which the official oath is filed within thirty (30) calendar days of the effective date of the decision in accordance with Section [8209](#) of the Government Code.

- - - - -

## PETITION FOR RECONSIDERATION

---

Pursuant to Section [11521](#) of the Government Code, the Secretary of State may order reconsideration of all or part of a case on the motion of the agency or on petition of any party to the action. To petition for reconsideration, a party should submit a written request to the Secretary of State within the statutory allotted time. The Secretary of State shall not grant a petition for reconsideration unless the petition contains additional evidence and argument in support of the petition that provides a basis for the Secretary of State to reconsider the case.

The power of the Secretary of State to order a reconsideration shall expire thirty (30) calendar days after the delivery or mailing of a decision to respondent, or on the date set by the Secretary of State as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the Secretary of State may grant for the purpose of filing an application for reconsideration. A letter to respondent, accompanying the decision, shall specify the time in which a petition for reconsideration must be submitted. If the Secretary of State requires additional time to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, the Secretary of State may grant a stay of that expiration for no more than ten (10) calendar days for the sole purpose of considering the petition. If the Secretary of State does not act within the allotted time period for ordering reconsideration, the petition shall be deemed denied.

Pursuant to subdivision (b) of Section 11521 of the Government Code, the case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517 of the Government Code. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

In accordance with Section [11523](#) of the Government Code, judicial review may be sought by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject to the statutes relating to the Secretary of State. Except as otherwise provided, the petition shall be filed with the court within thirty (30) calendar days after the last day on which reconsideration may be ordered by the Secretary of State. The right to petition for judicial review shall not be affected by the failure of petitioner to seek reconsideration before the Secretary of State.

- - - - -

## DEFAULTS AND UNCONTESTED CASES

---

Pursuant to Section [11520](#) of the Government Code, the Secretary of State may vacate the default decision and grant a hearing on a showing of good cause. Good cause includes, but is not limited to, any of the following:

- (1) Failure of the person to receive notice served pursuant to Section [11505](#) of the Government Code.

**Note:** Failure of respondent to receive the accusation or statement of issues and accompanying information when notice was served to respondent at the latest address on file with the Secretary of State and respondent failed to notify the Secretary of State of an address change is not grounds to vacate the default decision.

- (2) Mistake, inadvertence, surprise, or excusable neglect.

To request that the default decision be vacated and a hearing be granted, the respondent must serve a written motion to the Secretary of State within seven (7) days after service on the respondent of the default decision. The Secretary of State shall not vacate the default decision and grant a hearing unless the written motion contains additional evidence and argument in support of the written motion that provide a basis for the Secretary of State to reconsider the case.

A letter to respondent, accompanying the default decision, shall specify the time in which a written motion must be submitted. The power of the Secretary of State to vacate the default decision and grant a hearing shall expire seven (7) calendar days after the delivery or mailing of the default decision to respondent.

- - - - -

## **REINSTATEMENT OR REDUCTION OF PENALTY**

---

Pursuant to Section [11522](#) of the Government Code, a person whose commission as a notary public has been revoked or suspended may petition the Secretary of State for reinstatement of the commission or reduction of penalty after a period of not less than one (1) year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The Secretary of State shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

The primary concern of the Secretary of State at a hearing for reduction of a penalty is that the evidence presented by the petitioner relates to his or her rehabilitation. The petitioner has the burden of demonstrating that he or she possesses the necessary and current qualifications and skills to safely perform the duties of a notary public within the scope of the current law. In determining whether to grant a reduction of penalty, the Secretary of State may consider, but is not limited to, the following:

- (1) The original violation(s) for which disciplinary action was instituted against the commission as a notary public of the petitioner:
  - (a) Type, severity, number, and duration of violation(s).
  - (b) Whether the violation(s) involved intent, negligence or other improper conduct.
  - (c) Actual or potential harm to the public, clients or others.
  - (d) Length of time since the violation(s) was committed.
  - (e) Cooperation or lack of cooperation of the petitioner in the investigation of the original offense(s).
- (2) Prior actions by the Secretary of State, any state, local or federal agency or court including:
  - (a) Compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanction, including any order of restitution.
  - (b) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.
  - (c) Legal and regulatory history prior to and since the violation(s).



- (3) The attitude of the petitioner toward his or her commission of the original violation(s) and in regard to compliance with legal sanctions and rehabilitative efforts.
- (4) Documented rehabilitative efforts including:
  - (a) Efforts to maintain and/or upgrade professional skills and knowledge through education or other methods.
  - (b) Efforts to establish safeguards to prevent repetition of the original violation(s), including changes or modifications in policies, structure, systems, advertising, or behavior applicable to the performance of the duties and responsibilities of a notary public.
  - (c) Voluntary restitution to those affected by the original violation(s).
  - (d) Participation in appropriate self-help and/or rehabilitative group.
  - (e) Participation in professional organizations or associations.
- (5) Assessment of the rehabilitative and corrective efforts of the petitioner, including:
  - (a) Whether efforts relate to the original violation(s).
  - (b) Date rehabilitative efforts were initiated.
  - (c) Length of rehabilitative efforts and corrective actions.
  - (d) Whether rehabilitative efforts and corrective actions were voluntary and self-motivated, or imposed by order of a government agency or court and complied with as a term or condition of probation.
  - (e) Reputation of the petitioner for honesty, credibility, truthfulness, integrity, professional ability, and good character since the commission of the original violation(s).
  - (f) Nature and status of continuing rehabilitative efforts.
  - (g) Compliance or non-compliance with all laws and regulations since the date of the original violation(s).
  - (h) Cooperation or lack of cooperation of the petitioner in the review conducted by the Secretary of State of the Petition for Reduction of Penalty and the facts surrounding the petition.

- (6) Nothing in these disciplinary guidelines shall be construed to prevent the Secretary of State from considering any other appropriate and relevant material not specified herein in order to assess the Petition for Reduction of Penalty.
- (7) Any statement that the petitioner intends to support the petition and all witness statements either intends to introduce at hearing are preferred by the Secretary of State to be in the form of an affidavit or declaration rather than merely a letter or unsworn statement.

- - - - -

## INDEX OF CODE SECTIONS

---

<b>Business and Professions Code</b>	<b>Page</b>
§ 6125 .....	16
§ 22440 .....	31
<b>Family Code</b>	
§ 400 - 402.....	26
§ 500.....	26
§ 503.....	26
<b>Government Code</b>	
§ 8201.1.....	1, 6
§ 8205.....	19
§ 8205(a) .....	4, 20
§ 8205(b) .....	4
§ 8206.....	24
§ 8206(d) .....	24
§ 8207.....	24
§ 8209.....	33
§ 8209(a) .....	3
§ 8211 .....	17
§ 8214.1 .....	7, 26
§ 8214.1 (a) .....	8, 9

§ 8214.1 (b) .....	10
§ 8214.1 (c) .....	12
§ 8214.1 (d) .....	4, 13, 29
§ 8214.1 (e) .....	14
§ 8214.1 (f) .....	4, 15
§ 8214.1 (g) .....	16
§ 8214.1 (h) .....	4, 17
§ 8214.1 (i) .....	4, 18
§ 8214.1 (j) .....	4, 19
§ 8214.1 (k) .....	4, 20
§ 8214.1 (l) .....	4, 21
§ 8214.1 (m) .....	4, 22, 26
§ 8214.1 (n) .....	23
§ 8214.1 (o) .....	24
§ 8214.1 (p) .....	4, 25
§ 8214.15 .....	2, 4
§ 8214.15(a) .....	27, 29
§ 8214.15(b) .....	29
§ 8214.15(d) .....	4
§ 8219.5 .....	25, 28, 29
§ 8219.5 (a) .....	7, 25, 28, 29
§ 8219.5 (c) .....	28, 29
§ 8220 .....	1

§ 8223.....	17, 22, 27
§ 11505.....	35
§ 11520.....	35
§ 11521.....	34
§ 11522.....	36
§ 11523.....	34
<b>Penal Code</b>	
§ 273.5.....	11
§ 1203.45.....	8
<b>Welfare and Institutions Code</b>	
§ 781 .....	8